

PTH:CWE
F. #2021R000321

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE SEARCH OF
470 DEKALB AVE., APARTMENT 8H,
BROOKLYN, NEW YORK AND 5 BLUE
SLIP, APARTMENT 4A, BROOKLYN,
NEW YORK AND ANY CLOSED AND/OR
LOCKED COMPARTMENTS AND
CONTAINERS THEREIN

TO BE FILED UNDER SEAL

**APPLICATION FOR A SEARCH
WARRANT**

Case No. 21 MJ 635

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, STEVEN SAINT HILAIRE, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a task force officer with the Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”), and have been for five years. Before becoming a task force officer with the ATF, I was a police officer with the NYPD for 18 years, during which I was a detective for 11 years. I have participated in numerous investigations involving robberies, burglaries, firearms offenses, vehicle thefts, and gang related violence. I have experience executing search warrants involving residences and devices like the warrant sought herein.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. § 1951(a) (Attempted Hobbs Act Robbery) and 18 U.S.C. § 2119 (Carjacking) (collectively, the “Subject Offenses”) have been committed by ANDREW CUADRADO and JUSTIN HARVEY, together with others. There is also probable cause to believe that the places described in Attachment A – 470 Dekalb Ave. Apartment 8H, Brooklyn, New York (“CUADRADO’S APARTMENT”), and 5 Blue Slip, Brooklyn, Apartment 4A, New York (“HARVEY’S APARTMENT”) – contain evidence of these crimes, as further described in Attachment B.

**PROBABLE CAUSE REGARDING
THE RELEVANT LOCATIONS TO BE SEARCHED**

4. According to law enforcement databases, NYC Housing Authority records, and New York Electronic Benefits Transfer records, ANDREW CUADRADO lives at 470 Dekalb Ave. Apartment 8H, Brooklyn, New York (“CUADRADO’s APARTMENT”).

5. A law enforcement database indicated that an individual named “JUSTIN HARVEY” lives at HARVEY’S APARTMENT. In addition, two individuals who are very familiar with 5 Blue Slip, Brooklyn, New York, each independently identified JUSTIN HARVEY as one of the individuals in the surveillance recording of the Subject Offense committed on March 15, 2021, as discussed below, and specifically recalled JUSTIN HARVEY’s apartment being 5 Blue Slip, Brooklyn, New York, Apartment 4A.

**PROBABLE CAUSE REGARDING CUADRADO’S AND HARVEY’S COMMISSION
OF ONE OR MORE OF THE SUBJECT OFFENSES**

February 21, 2021 Robbery and Carjacking

6. In or around February 2021, Victim-1 communicated via Snapchat, a multimedia messaging app, with an individual who was using the account identification, @drewhadbin9014

(“User @drewhadbin9014”). Victim-1 and User @drewhadbin9014 agreed to meet during the late evening of February 21, 2021 in the area outside the building of HARVEY’S APARTMENT for the purpose of Victim-1 purchasing marijuana from User @drewhadbin9014.

7. On February 21, 2021, Victim-1 drove a car, with Victim-2 as a passenger, to the area outside the building of the HARVEY’S APARTMENT to meet with User @drewhadbin9014. Upon their arrival to the area outside the building of HARVEY’S APARTMENT, Victim-1 saw two individuals wearing masks approach the car Victim-1 was driving.

8. One of the individuals wearing a mask got into the front passenger seat of the car next to Victim-1 and the other individual with a mask (the “ACCOMPLICE”) entered a rear passenger entrance of the car next to Victim-2.

9. According to Victim-1, the individual wearing a mask who got into the front passenger seat of the vehicle identified himself as “ANDREW” upon entering the vehicle. Victim-1 saw “ANDREW” lift his mask to look at his phone. When “ANDREW” lifted his mask, Victim-1 recognized him as being the individual of whom Victim-1 had seen images on his Snapchat profile during Victim-1’s communications with User @drewhadbin9014.

10. “ANDREW” told Victim-1 to drive to another location. After driving for a while, Victim-1 stopped the car and pulled over when they reached a street with a dead-end. Victim-1 looked into the backseat and saw that the ACCOMPLICE was holding a gun to his (Victim-1’s) head.

11. “ANDREW” then pulled out a gun and told Victim-1 to “run your pockets and give me the car.” Victim-1 understood this to mean that “ANDREW” wanted Victim-1 to

provide him with all his money and then give up the car. Victim-1 and Victim-2 took out their money and provided it to “ANDREW” and the ACCOMPLICE.

12. After providing their money to “ANDREW” and the ACCOMPLICE, Victim-1 and Victim-2 exited the vehicle.

13. The ACCOMPLICE then got into the driver’s seat and drove off with “ANDREW” in Victim-1’s vehicle. Victim-1’s vehicle was later recovered by the police but the key to the ignition was missing and never recovered.

March 15, 2021 Attempted Robbery and Shooting

14. In or around March 2021, Victim-3 also communicated with User @drewhadbin9014 on Snapchat. Victim-3 discussed with User @drewhadbin9014 plans for Victim 3 to sell marijuana edibles to User @drewhadbin9014. On March 15, 2021, Victim-3 – along with Victim-4 and Victim-5 – drove to the area of HARVEY’S APARTMENT to meet with User @drewhadbin9014.

15. Victim-4 drove the vehicle, while Victim-3 and Victim-5 sat in the backseats. Upon their arrival at the area outside of the building where HARVEY’S APARTMENT is located, Victim-3, and User @drewhadbin9014 communicated over Snapchat to coordinate their meeting. While Victim-3, Victim-4, and Victim-5 were outside HARVEY’S APARTMENT in their vehicle, a group of individuals wearing masks approached the vehicle. Some of the individuals in this group stayed in front of the car while two of them walked over to the passenger-side of the vehicle. One of the individuals who came to the passenger-side of the vehicle entered the vehicle on the front passenger side. Victim-4, who was sitting in the driver’s seat, subsequently told law enforcement officers that the individual who entered the front

passenger seat was a male, light skinned, and Spanish, wearing a “mask and hoodie.” Victim-3 recalled that the individual who entered the front passenger seat was wearing a red hat.

16. The individual who entered the front passenger seat asked Victim-3 to show him the marijuana edibles that Victim-3 had agreed to sell. Victim-3 showed them but refused to hand over the marijuana edibles. The individual who entered the front passenger seat then attempted to grab the marijuana edibles from Victim-3 but was unsuccessful and promptly exited the vehicle. The other individual who had initially approached the passenger side of the vehicle took out a gun and shot into the vehicle. Victim-4 was hit in his right elbow and left lower leg by bullets but survived. Victim-4 was able to drive away from the scene to safety.

Identification of ANDREW CUADRADO and JUSTIN HARVEY as Two of the Assailants in the February and/or March 2021 Incidents

17. As set forth below, there is probable cause to believe that (a) ANDREW CUADRADO was the individual who on February 21, 2021, communicated with Victim-1 on Snapchat, entered the front seat of Victim-1’s vehicle, and told Victim-1 and Victim-2 to give up the car, and who on March 15, 2021, communicated with Victim-3, entered the front seat, and tried to rob the marijuana edibles from Victim-3; and (b) JUSTIN HARVEY was the individual who on March 15, 2021, approached the car driven by Victim-4 and brandished and fired a firearm striking Victim-4 twice.

Andrew Cuadrad

18. I reviewed video footage from a video surveillance security camera located outside of the building where HARVEY’S APARTMENT is located that recorded the incident on March 15, 2021, including the shooting. From my review of the video, I was able to observe gunshots fired at the vehicle driven by Victim-4. I also observed an individual wearing a white

hooded sweater with a red hat, which is consistent with the descriptions that Victim-3 and Victim-4 provided of the individual who entered the front passenger seat of the vehicle driven by Victim-4. And I observed each other the suspects run into the building where the HARVEY'S APARTMENT is located after the crimes occurred.

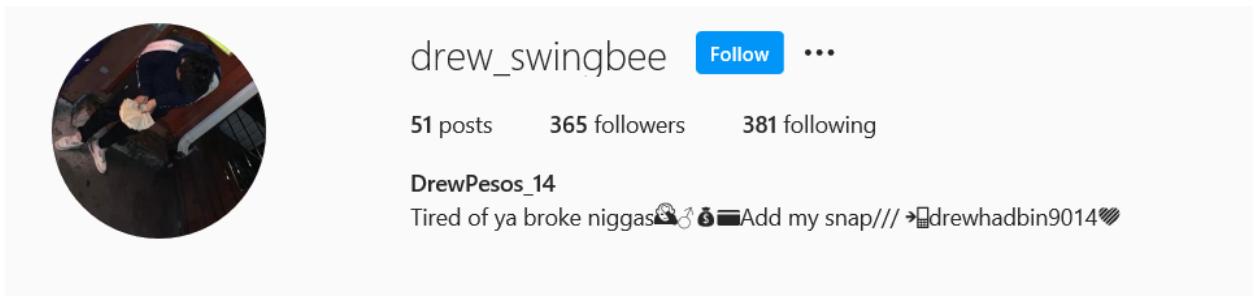
19. Law enforcement officers reviewed publicly available information related to the Snapchat account of User @drewhadbin9014. During their review, they found multiple Facebook accounts and one Instagram account that appeared to have been used by the same individual as User @drewhadbin9014. They also discovered that each of the Facebook, Snapchat, and Instagram accounts appeared to reflect that they were used by an individual named "ANDREW CUADRADO" because they all included numerous and sometimes identical pictures of the same individual.

20. ANDREW CUADRADO's Facebook user accounts are BenjiChaser Drew and TellnYou Drew. Based on my review of his Facebook profile picture that is publicly available on the BenjiChaser Drew account, I was also able to determine that ANDREW CUADRADO is wearing the same pants in the Facebook picture that he was wearing in the surveillance video from outside of the building where HARVEY'S APARTMENT is located that captured the shooting on March 15, 2021. In the surveillance video on March 15, 2021, ANDREW CUADRADO is wearing a white hooded sweater, red hat, and black pants that had three stripes along the sides and appear to have been made by Adidas. I observed him wearing the same pants in a picture on his Facebook account.

21. Additionally, upon my review of other images on Facebook, I noticed that ANDREW CUADRADO is wearing the same top in a Facebook picture for BenjiChaser Drew as he was wearing in the video surveillance feed after the shooting on March 15, 2021. Based on

my review of the March 15, 2021 video surveillance recording, I noticed that ANDREW CUADRADO went into the building where HARVEY'S APARTMENT is located after the shooting wearing one hooded sweatshirt and he later reemerges wearing the jacket that he had on in the Facebook picture on the account for BenjiChaser Drew. Further, in one of his videos, he is smoking and wearing what appears to be the same white hooded sweater that he was wearing in the surveillance video that captured the shooting on March 15, 2021.

22. The Instagram account that law enforcement officers discovered as being linked to User @drewhadbin9014 is @Drew.swingbee. On the @Drew.swingbee Instagram account, the user actively promotes his Snapchat account, drewhadbin914. An image of his public Instagram homepage is below.



23. Based on the foregoing information, there is probable cause to believe that the individual who uses the Snapchat account @drewhadbin9014, the Instagram account @Drew.swingbee, and the Facebook accounts BenjiChaser Drew (stash.dre) and TellnYou.Drew are all "ANDREW CUADRADO."

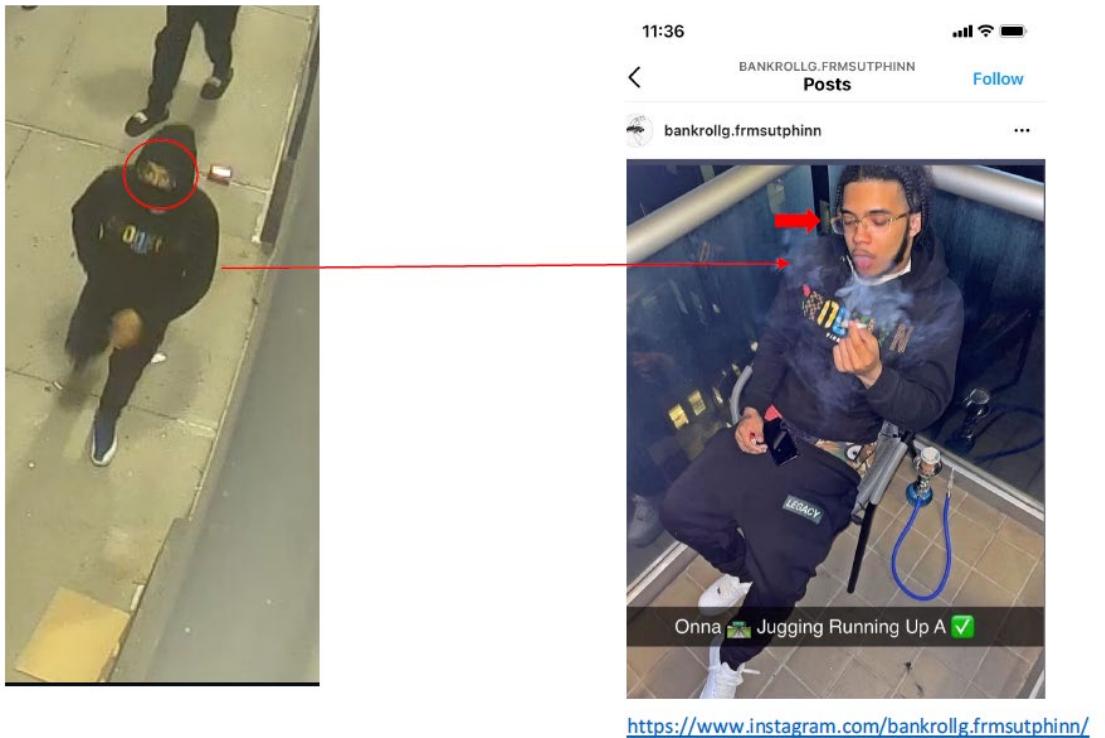
Justin Harvey

24. I separately interviewed two witnesses who are familiar with the HARVEY'S APARTMENT. During each of the interviews, I showed the witness clips from the surveillance video from outside of the building where HARVEY'S APARTMENT is located that includes the

shooting, on March 15, 2021. Each witness independently confirmed that one of the individuals from the surveillance recording was a resident of the HARVEY'S APARTMENT. One witness identified the individual as "JUSTIN" and the other witness identified him by his apartment number (4A) and by reference to his mother.

25. A law enforcement database indicated that an individual named "JUSTIN HARVEY" lives at the HARVEY'S APARTMENT. Law enforcement officials also ran a public database search of "JUSTIN HARVEY" through social media. JUSTIN HARVEY has both a Facebook and an Instagram account that he actively uses. His Facebook identification is bankkroll.g.rilla.3. His Instagram account identification is @bankrollg.frmsutphinn.

26. I cross-referenced an image of this individual from the surveillance video of March 15, 2021 that captured the shooting and compared it to a public picture posted on each of JUSTIN HARVEY's Facebook and Instagram accounts and noticed that he is wearing the same hooded sweatshirt in each image. Based on my review of the three pictures below, I believe all three are of the same individual named JUSTIN HARVEY, who is also wearing the same distinctive hooded sweater in each image: (a) the top left is a screenshot from the video of the shooting on March 15, 2021; (b) on the top right is the public profile picture from his Instagram account; and (c) the bottom image is his public Facebook profile page picture.



<https://www.instagram.com/bankrollg.frmsutphinn/>



BankkRoll G. Rilla

Strictly MONWORLD ENT.

27. Based on my comparison of images publicly available on JUSTIN HARVEY's Facebook account and Instagram account, the surveillance video footage of the incident from outside of the building where HARVEY'S APARTMENT is located on March 15, 2021, and the

positioning of the suspects after the gunshots as they ran away, I believe that JUSTIN HARVEY was the individual who, along with ANDREW CUADRADO (the individual in the white hooded sweater and red hat), approached the car driven by Victim-4 and shot Victim-4 on March 15, 2021.

28. The ATF also interviewed Victim-3 and Victim-4 separately and showed each of them screenshots of multiple individuals from the video surveillance recording from outside of the building where HARVEY'S APARTMENT is located on March 15, 2021. Victim-3 and Victim-4 each independently identified which individual entered the car and which individual shot at them. Specifically, they each identified the individual that I understand to be ANDREW CUADRADO as the one who entered the front passenger seat and the individual that I understand to be JUSTIN HARVEY as the one who shot at the car.

PROBABLE CAUSE TO SEARCH CUADRADO'S APARTMENT AND HARVEY'S APARTMENT FOR EVIDENCE RELATED TO THE SUBJECT OFFENSES

29. Based on the location information discussed above and the following information, there is probable cause to believe that there is evidence regarding the Subject Offenses located in CUADRADO's APARTMENT including, but not limited to firearms, clothing that ANDREW CUADRADO wore during the commission of the Subject Offenses, and, as will be discussed below, devices that ANDREW CUADRADO used to access and communicate over his numerous social media accounts.

30. Based on the location information discussed above and the following information, there is probable cause to believe that there is evidence regarding the Subject Offenses located in HARVEY'S APARTMENT because, among other things:

- a. ANDREW CUADRADO set meetings with victims on February 21, 2021 and March 15, 2021 in the area outside of the building where HARVEY'S APARTMENT is located; and
- b. The surveillance camera that was located outside of the building of HARVEY'S APARTMENT and recorded the incident that occurred on March 15, 2021 showed ANDREW CUADRADO and JUSTIN HARVEY exit and reenter the building where HARVEY'S APARTMENT is located, after the commission of the crime discussed above.

31. Based on my investigation, I understand that ANDREW CUADRADO and JUSTIN HARVEY are wearing the same clothing in images on their Facebook accounts as they were wearing during the March 15, 2021 video surveillance recording of the shooting incident. I have also seen that JUSTIN HARVEY appears to be wearing the same top in his Instagram profile picture as he was wearing in the video surveillance recording from March 15, 2021. Further, my investigation has discovered that on his Instagram account, ANDREW CUADRADO actively promotes and encourages people to contact him on Snapchat at @drewhadbin9014.

32. Based on my training and experience, I know that individuals engaged in criminal conduct often use devices such as mobile telephones to upload photographs, images and written statements reflecting that criminal conduct on social media accounts and use social media accounts, such as Facebook, Instagram, and/or Snapchat to communicate with others regarding that conduct.

33. Furthermore, in my experience, individuals who use social media platforms for illicit activities often used devices such as mobile telephones to communicate with victims and/or co-conspirators.

34. Based on the foregoing, I believe there is probable cause to seize electronic devices and media, including cellphones, computers, and storage media, found at CUADRADO's APARTMENT or HARVEY'S APARTMENT, including any such devices or media found on the person of ANDREW CUADRADO and/or JUSTIN HARVEY at CUADRADO's APARTMENT or HARVEY'S APARTMENT or wherever else they are brought into custody.

35. In addition to there being probable cause to believe that computers and other electronic devices will be found at CUADRADO's APARTMENT or HARVEY'S APARTMENT that contain evidence of the Subject Offenses, there is also probable cause to believe that these electronic devices constitute instrumentalities of the Subject Offenses, e.g., they were used to facilitate communications with the prospective victims or to communicate with co-conspirators in anticipation of committing the Subject Offenses.

CONCLUSION

36. Based on the foregoing, I respectfully request that the Court issue a warrant to search and seize the items and information specified in Attachment A to this affidavit and to the Search and Seizure Warrant.

37. In light of the confidential nature of the continuing investigation, I respectfully request that this affidavit and all papers submitted herewith be maintained under seal until the Court orders otherwise.

38. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) &

(c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

Respectfully submitted,

Steven Saint Hilaire

STEVEN SAINT HILAIRE
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms &
Explosives

Sworn to me through the transmission of this
Affidavit by reliable electronic means, pursuant to
Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this
____th of May, 2021

HONORABLE PEGGY KUO
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

ATTACHMENT A

PREMISES TO BE SEARCHED

I. HARVEY'S APARTMENT

The property to be searched is the premises known and described as 5 Blue Slip, Brooklyn, Apartment 4A, New York and any closed and/or locked compartments and containers contained therein ("HARVEY'S APARTMENT"). HARVEY'S APARTMENT is located on the fourth floor of the apartment building.

II. CUADRADO'S APARTMENT

The property to be searched is the premises known and described as 470 Dekalb Ave. Apartment 8H, Brooklyn, New York and any closed and/or locked compartments and containers contained therein within the control of ANDREW CUADRADO ("CUADRADO's Apartment"). CUADRADO's Apartment is located on the 8th floor of the building.

ATTACHMENT B

PARTICULAR THINGS TO BE SEIZED

EVIDENCE, FRUITS, AND INSTRUMENTALITIES OF THE SUBJECT OFFENSES

The items to be seized from CUADRADO's APARTMENT and HARVEY'S APARTMENT consist of the following evidence, fruits, and instrumentalities related to violations of 18 U.S.C. § 1951(a) (Attempted Hobbs Act Robbery) and 18 U.S.C. § 2119 (Carjacking) (collectively, the "Subject Offenses") that have been committed by ANDREW CUADRADO and JUSTIN HARVEY and others, known and unknown:

1. Evidence concerning occupancy or ownership of the Harvey's Apartment, including utility and telephone bills, mail envelopes, addressed

correspondence, diaries, statements, identification documents, address books, and telephone directories;

2. Evidence of the identity and location of co-conspirators of the Subject Offenses;
3. Evidence of contact information and communications with co-conspirators including telephone logs, text messages, messages sent through encrypted applications, emails, and handwritten notes;
4. Evidence regarding preparation for the Subject Offenses, including research or communications related opening or using financial accounts to transfer the proceeds of the Subject Offenses;
5. Evidence of the commission of the Subject Offenses, including notes, documents, records, photographs, videos, invoices, communications, or correspondence, in any format and medium;
6. Evidence of the disposition of the proceeds of the Subject Offenses, including U.S. currency, foreign currency, cryptocurrency (*e.g.*, Bitcoin, Monero, Litecoin), stocks, bonds, jewelry, precious metals, electronics or audio/speaker systems, artwork, furniture, bicycles, tennis equipment, pianos, clothing, wine, other valuables, pre-paid debit cards, financial instruments, and financial accounts constituting or traceable to the proceeds of the Subject Offenses, and including any passwords, passphrases, public or private keys, physical devices, and cryptocurrency recovery mnemonics needed by law enforcement to access such items;

7. Evidence of any firearms or ammunition potentially used during the commission of the Subject Offenses;
8. Evidence of clothing worn during the commission of the Subject Offenses;
9. Evidence related to the carjacking that occurred on February 21, 2021, including the ignition key;
10. Evidence concerning the location of other evidence, including additional devices, financial accounts, email accounts, social media accounts, or other online accounts used in furtherance of the Subject Offenses;
11. U.S. Currency; and
12. Electronic devices.

UNITED STATES DISTRICT COURT
for the
Eastern District of New York

In the Matter of the Search of

)

(Briefly describe the property to be searched
or identify the person by name and address)

)

Case No. 21 MJ 635

470 DEKALB AVE , APARTMENT 8H, BROOKLYN, NEW YORK AND 5
BLUE SLIP, APARTMENT 4A, BROOKLYN, NEW YORK AND ANY CLOSED
AND/OR LOCKED COMPARTMENTS AND CONTAINERS THEREIN

)

)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of New York (*identify the person or describe the property to be searched and give its location*):

See Attachment A

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (*identify the person or describe the property to be seized*):

See Attachment B

YOU ARE COMMANDED to execute this warrant on or before June 9, 2021 (*not to exceed 14 days*)
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

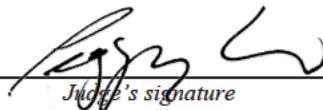
Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the Duty Magistrate Judge
(*United States Magistrate Judge*)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (*check the appropriate box*)

for _____ days (*not to exceed 30*) until, the facts justifying, the later specific date of _____.

Date and time issued: May 26, 2021 3:07 pm


Judge's signature

City and state: Brooklyn, New York

Hon. Peggy Kuo U.S.M.J.
Printed name and title

Return		
Case No.: 21 MJ 635	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name of any person(s) seized:		
Certification		
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.		
Date: _____		<i>Executing officer's signature</i>
<hr/> <i>Printed name and title</i>		